IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6322 OF 2005

Shri. Vinayak Pandurang Sodekar ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mr. D.S. Patil for Petitioner.

Mr. R.D. Rane, Government Pleader for Respondents.

CORAM : F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATED : 26TH SEPTEMBER, 2005

P.C.

. The Petitioner was appointed against the reserved post. His claim was referred to the committee. The committee by order dated 21.5.2005 rejected the Petitioner's caste claim firstly on the ground that in the Petitioner's father's school record shows his caste as Koli. The school record is of 1.2.1946. In other words, a pre-constitution document having high probative value. Similarly, also the caste certificate of the Petitioner's uncle who was admitted on 2.4.1949 which is before the presidential notification and therefore, also of high probative value.

. The Vigilance Officer in the matter of traits and characteristics held that they do not match with that of Mahadeo Koli.

. The case of the Petitioner is that he is now allotted to the company to which reservation does not apply. If that be so, it is for the petitioner to apply and or if any decision is taken against him on account of rejection of his tribe claim to take steps according to law which he is entitled to.

. It is then submitted that the proceedings were exparte. In the instant case, we asked the learned counsel for the Petitioner whether there is any other document which will displace the documents already on record and or verification report in the matter of traits and characteristics. The learned counsel fairly concedes that there are no other documents. Considering that, we do not think that merely because the petitioner received the date of intimation subsequent to the date of hearing, will in any way affect the right of the Petitioner, and as such that by itself is no ground to set aside the impugned order.

. For the aforesaid reasons, this will not be a

fit case to exercise extra ordinary jurisdiction.

Petition rejected.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)